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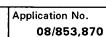
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COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR			ATTORNEY DOCKET NO.
08/853,870	05/09/9	7 TOVEY		M	23164-1001
-	HM42/0106 HELLER EHRMAN WHITE & MCAULIFFE 525 UNIVERSITY AVENUE			EXAMINER	
				GOLDBERG, J	
	CA 94301-1		Γ	ART UNIT	PAPER NUMBER
				1614	10
				DATE MAILED	: 01/06/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



Applicant(s)

Yovey

Office Action Summary

Examiner

Jerome D. Goldberg

Group Art Unit 1614

X Responsive to communication(s) filed on Oct 27, 1998							
☑ This action is FINAL.							
Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.							
A shortened statutory period for response to this action is set to is longer, from the mailing date of this communication. Failure application to become abandoned. (35 U.S.C. § 133). Extension 37 CFR 1.136(a).	to respond within the period for response will cause the						
Disposition of Claims							
	is/are pending in the application.						
Of the above, claim(s)	is/are withdrawn from consideration.						
☐ Claim(s)							
☐ Claim(s)	is/are objected to.						
☐ Claims	are subject to restriction or election requirement.						
Application Papers							
☐ See the attached Notice of Draftsperson's Patent Drawing	g Review, PTO-948.						
☐ The drawing(s) filed on is/are object	ed to by the Examiner.						
The proposed drawing correction, filed on	is □approved □disapproved.						
$\hfill\Box$ The specification is objected to by the Examiner.							
$\hfill\Box$ The oath or declaration is objected to by the Examiner.							
Priority under 35 U.S.C. § 119							
$\hfill \square$ Acknowledgement is made of a claim for foreign priority	under 35 U.S.C. § 119(a)-(d).						
☐ All ☐ Some* ☐ None of the CERTIFIED copies of	f the priority documents have been						
received.							
☐ received in Application No. (Series Code/Serial Nun							
received in this national stage application from the	International Bureau (PCT Rule 17.2(a)).						
*Certified copies not received: Acknowledgement is made of a claim for domestic priorit							
	y and 00 0.0.0. 3 110(o).						
Attachment(s) Notice of References Cited, PTO-892							
☐ Information Disclosure Statement(s), PTO-1449, Paper No.	o(s).						
☐ Interview Summary, PTO-413							
☐ Notice of Draftsperson's Patent Drawing Review, PTO-94	8						
□ Notice of Informal Patent Application, PTO-152							
SEE OFFICE ACTION ON T	THE FOLLOWING PAGES						

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Samo et al. reference of record for the reasons fully set forth in Paper No. 8, page 2. Applicant's remarks are noted but a showing is needed. Moreover, the composition claims 17-20 are obviated under 35 U.S.C. § 103 since an intended use limitation does not render the composition unobvious. See In re Skoner, 186 U.S.P.Q. 80 (CCPA 1975); In re Kalm 154 U.S.P.Q. 10 (CCPA 1967); In re Halley 132 U.S.P.Q. 16 (CCPA 1961).

Claims 6, 13 and 21-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Cummins Jr. patent of record for the reasons fully set forth in Paper No. 8, page 2. Applicant's remarks are noted but a side-by-side comparison is needed. Applicant's remarks in the absence of said comparison is insufficient.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner J.D. Goldberg, whose telephone number is (703) 308-4606. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 3:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Cintins, can be reached on (703) 308-4725. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

GOLDBERG; aco

December 30, 1998

JEROME D. GOLDBERG PRIMARY EXAMINER GROUP 1200